

MINUTES
NATURAL RESOURCES COMMISSION

Radisson of Lansing
111 N. Grand Avenue
Lansing
-and-
Stevens T. Mason Building
530 W. Allegan
Lansing

May 8-9, 2003

Present

Jim Campbell
Keith Charters, Chair
Paul Eisele, Vice-Chair
Bob Garner
John Madigan
Frank Wheatlake

K. L. Cool, Director
Peter Manning, Legal Counsel
George Burgoyne, Resource Management Deputy
James Ekdahl, Upper Peninsula Field Deputy
Kelli Sobel, Administrative Services Deputy
Department Staff

Absent

William Parfet

COMMITTEE OF THE WHOLE

Chairman Charters called the Committee of the Whole Meeting of the Natural Resources Commission (NRC) to order at 3:05 p.m. on Thursday, May 8, 2003. The Committee of the Whole is a working session of the NRC.

Emerald Ash Borer

Dr. Deb McCullough, Michigan State University, presented information on the emerald ash borer, a beetle that is native to Asia. The ash borer was identified in southeast Michigan in 2002, however, little is known, biologically, about this beetle other than its impacts to the ash tree. She believes it is likely that the

beetles will start hatching from eggs June through August. The larvae bore under bark and feed aggressively in the ash tree cambium in serpentine galleries. The larvae feed into September. In the fall, the larvae chew compartments into the tree or thick bark where they spend the winter. Pupation begins in April and the adults emerge from the tree creating D-shaped exit holes from May to July. The impact to the tree depends on how many galleries exist in that tree. External symptoms include bark splits and woodpecker holes. Affected counties include Wayne, Washtenaw, Macomb, Monroe, Livingston and Oakland. Nurseries in these six counties are quarantined from shipping ash trees out of this six county area. **Dr. McCullough** said that, if the insect is not contained, it will spread across North America. Recommendations for addressing the problem are: contain the infestation, reduce the beetle density, and ultimately eradicate the emerald ash borer. A national emerald ash borer science advisory board convened in October, 2002 to address the problem.

Dr. McCullough expressed concern that infested firewood would be taken out of the southeast Michigan area and spread the infestation. She stressed the importance of getting the information on this beetle to the public to create the awareness of what to look for.

Frank Sapio, DNR, Forest, Mineral and Fire Management Division (FMFM), presented additional background on the ash resource. There are 65 species of ash worldwide, 16 in the United States and four in Michigan. He reported that 18.5 million board feet of ash is harvested annually in Michigan. Emerald ash borer infestation in Michigan covers approximately 2500 square miles with 50 percent of the affected trees in this area showing declining health. The emerald ash borer appears most active on residential streets.

Mr. Sapio stated that treatment for the beetle at this time is very costly and not necessarily effective. He believes that damage from the ash borer can be slowed, and hopefully eradicated in the future.

The ash tree was predominantly utilized for landscape in the southeast Michigan area. Future forestation of residential areas will focus on planting a variety of species to reduce the possibilities of total devastation from the emerald ash borer.

Director Cool stated that the USDA has released \$14.5 million for addressing the emerald ash borer issue this year. This is a long term problem and more resources will be needed.

Fisheries Research Vessel

Jim Johnson, MDNR, Alpena, reviewed the maintenance and replacement plan for the four fisheries research vessels. He stated that the vessel fleet is vital to maintaining the stewardship of the Great Lakes. Two of the four existing vessels are in need of immediate replacement in order to provide benefits in a safe, dependable, and flexible way. The Great Lakes consist of 20 percent of the world's fresh water. Michigan is responsible for 43 percent of the Great Lakes. Without these vessels, Michigan cannot manage the sport fishing, commercial fishing and recreational uses of these waters. **Mr. Johnson** detailed the work performed by utilizing these vessels. He reviewed the repair and replacement criteria of the four vessels and explained that the bidding process has begun on building two new vessels. The expected cost of each of the two new vessels will be less than \$1 million of which the Legislature has appropriated the money. **Director Cool** commended the Fisheries Division for the development of the repair and replacement plans.

Mr. Johnson stated that after the Chinook has been replaced, it will be dry-docked and utilized in the Tri-centennial State Park for interpretive purposes.

Saginaw Bay Walleye Recovery Plan

Tammy Newcomb, Lake Huron Basin Coordinator, Fisheries Division, reported that the Saginaw Bay Walleye Recovery Plan represents nearly 10 years of research in the Bay.

Dave Fielder, Research Biologist, Fisheries Division, reported that, historically, the walleye fishery in Saginaw Bay was among the largest in the Great Lakes. The fishery collapsed in the mid-1940s due to a series of year class failures from habitat loss and degradation brought about by logging activities, industrial contamination, sedimentation and dams. In the 1970s, water quality improvements occurred because of passage of the Clean Water Act. In the 1980s, the DNR increased stocking of walleye fingerlings and a sport fishery developed in the Bay. By the mid 1990s the walleye fishery plateaued well short of historic yields in spite of a fish community dominated by small prey fish species.

Ms. Newcomb reviewed the proposed recovery plan, a science-based blueprint for management actions intended to achieve a self-sustaining walleye population through natural reproduction and to restore ecological balance to the fish community. Biological benefits from the recovery plan are anticipated to extend to the fish community, including yellow perch.

The anticipated outcomes of this plan include: restoration of ecosystem integrity in the Saginaw Bay; enhanced and expanded walleye fishery; improved yellow

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perch growth rate; elimination of the dependence on stocking; greater ecosystem resiliency to effects of exotics, and further invasion and it sets the stage for recovery for other native species. The implementation of this plan begins with this presentation and requesting public input. Discussion ensued.

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The Committee of the Whole meeting adjourned at 4:35 p.m.

REGULAR MEETING OF THE NATURAL RESOURCES COMMISSION

Chairman Charters called the regular meeting of the Natural Resources Commission (NRC) to order at 4:45 p.m.

Public Appearances

Rob Anderson, Michigan Farm Bureau
Monte Bordner, Michigan Cattlemans Association
Dave Borgeson, Grand Ledge
Al Ettenhofer, U.P. Whitetails Association, Inc.
Ken Gasper, Ionia
Bob Groulx, Munger
Leon Hank, Eastern U.P. Wildlife Coalition
Lyle LeCronier, Freeland
Rory Mattson, Sportsmen's Alliance
Pat McGuire, Atwood
Charles Moskowicz
Steve Sharp, Michigan Wild Turkey Federation
Randy Smith, Whitetails Unlimited Network
Ed Spinazzola, Mid-Michigan Branch Quality Deer Management Association
Blaine VanSickle, Marshall
John Wagner, New Boston
Wayne Wood, President, Michigan Farm Bureau

PUBLIC APPEARANCES

Randy Smith, Whitetails Unlimited Network, discussed the following:

- Harvest Registration: He believes the DNR is not accurately estimating deer harvest and recommended that each legally harvested deer be counted;
- Extended Antlerless Season: He does not support the extended antlerless season;
- Mandatory Tagging of Button Bucks: He believes requiring use of a buck tag will improve hunter safety and motivate hunters to identify game;
- DNR Management of the State's Deer Herd: He believes outdated surveying and forecasting techniques and issues of antlerless permits at such a high volume across the state has divided the hunters and the DNR.

Commissioner Garner stated that the NRC Policy Committee on Wildlife Issues is reviewing other opportunities for indexing, other forms of technology and companion surveys.

Charles Moskowitz contended that two oil companies were manipulating data resulting in less royalties payments to the State of Michigan. **Mindy Koch, Chief, FMFM**, stated that Mr. Moskowitz' comments were not accurate. These transactions had been audited and that there were no findings of impropriety.

Leon Hank, Eastern U.P. Wildlife Coalition, thanked the DNR for the opportunity to meet with them to discuss quality deer management (QDM). **Commissioner Garner** asked that the meetings be open to avoid the appearance of staff choosing sides.

John Wagner, New Boston, expressed concern with verification and lack of opportunity to verify QDM surveys received by Wildlife Division. He asked for reconsideration of reconducting the survey to assure confidence and trust from the public.

Wayne Wood, President, Michigan Farm Bureau, believes the proposed elimination of the late antlerless season will send the wrong message to Farm Bureau members. Farmers view the late antlerless season as a tool to eliminate more deer on private property and reduce crop damage. He is, however, pleased that the season was proposed to remain in effect for the bovine tuberculosis (TB) area in northeast Michigan. He is concerned there is a lack of recognition of deer overpopulation on private property. Farm Bureau members say that the deer overpopulation is intolerable and hope that, over the next year, the Farm Bureau and DNR can discuss population control. He offered that Farm Bureau stands ready to help.

Commissioner Campbell believes that farmers would be more likely to harvest antlerless deer during firearm season, if the late antlerless season did not exist. **Commissioner Eisele** commented that not many deer were taken during the late antlerless season and that sound science should guide the decision. He questioned whether Farm Bureau had any science stating that the late antlerless season does work. **Mr. Wood** responded that if not many deer are taken during that timeframe, possibly another timeframe for an extended season should be reviewed.

Rob Anderson, Michigan Farm Bureau, stated that the DNR needs to expand use and hunting where necessary. **Commissioner Garner** stated that tools may exist to determine where additional hunting is needed to achieve population goals. **Commissioner Wheatlake** stated he would like to work together to find a middle ground to reach the population goals.

Ken Gasper, Ionia, is a farmer who opens his property for hunting. Recently he viewed nearly 60 deer on his property. He believes that, during the antlerless season, the deer run off his property. Once the season is over they come back. He believes the late antlerless season allows private property owners to take

deer that they cannot reach during the regular season. Mr. Gasper supports the late antlerless season. **Commissioner Garner** noted that, when the late antlerless season was voted on, it was deemed experimental.

Blaine VanSickle, Marshall, expressed concern with eliminating the late antlerless season. He does not want to eliminate deer, just reduce the population.

Pat McGuire, Atwood, is a fruit and vegetable farmer who endured a \$51,000 loss from deer damage in a fenced field. He encouraged the DNR and the NRC to maintain all tools possible for managing the deer population.

Lyle LeCronier, Freeland, viewed 80 deer in his field in late February and 130 later in another field. He encouraged maintaining the late antlerless season as a mechanism to reduce the deer population.

Monte Bordner, Michigan Cattlemans Association, stressed the need to concentrate on reduction of the deer herd and attain population goals. He believes that harvesting 30,000 deer in the late season equates to 40,000-50,000 in the spring, taking into consideration reproduction. He questioned why the late antlerless season would be taken away as a population reduction tool for private landowners. He recommended maintaining the late antlerless season in the TB core area and to open up an additional public land season in order to continue efforts to reduce the herd.

Ed Spinazzola, Mid-Michigan Branch, QDMA, requested that a resurvey of landowners and hunters for DMU 118 be conducted after the 2003 hunting season and stated that QDMA would pay \$2000 toward resurvey costs. He requested that the QDM guidelines be revised to allow approval on a 52-55 percent support vote.

Bob Groulx, Munger, thanked the NRC for keeping baiting intact and he supports a late antlerless season where needed to control the deer population.

Steve Sharp, Michigan Wild Turkey Federation, presented the DNR with a check for \$15,000 for turkey habitat.

Al Ettenhofer, U.P. Whitetails Association, Inc., believes that the severe winter kill devastated deer herds in the Upper Peninsula (UP). He encouraged the NRC to consider their proposal for supplemental feeding in the UP and stated that, if this proposal is not considered, that the group stands ready to file a lawsuit against the NRC and the DNR.

Commissioner Madigan stated that he had met with the U.P. Whitetails when this proposal was developed.

Rory Mattson, Sportsmen's Alliance, further reviewed the supplemental feeding proposal in the UP. He does not support feeding where the deer population is above carrying capacity. Under this proposal, supplemental feeding would be allowed in the UP when two conditions exist: the winter severity index reaches 50 and the deer herd population goal for the DMU in question is under or equal to the stated management goal. He encouraged consideration of the proposal.

Chairman Charters questioned whether Region I of Michigan United Conservation Clubs (MUCC) supported this proposal. **Russ Reister, MUCC**, commented that this proposal will be taken to the MUCC Convention in June for a vote.

Dave Borgeson, Grand Ledge, commended the NRC and DNR for their work with the trappers; does not support complete harvest registration and stated that there is no way to determine illegal harvest; believes the NRC and DNR are on the right track relative to evaluating options for the late antlerless season; supports the Natural Rivers designation of the Pine and Upper Manistee Rivers; and was pleased with the presentation by Fisheries Division staff relative to repairing and replacing Great Lakes vessels.

Discussion ensued relative to surveys and determining what the information obtained means.

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The Natural Resources Commission meeting adjourned at 6:45 p.m. on Thursday, May 8, 2003 and reconvened at 8:30 a.m. on Friday, May 9, 2003.

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DIRECTOR'S REPORT

Budget

Director Cool reported that the DNR budget had passed out of subcommittee and is moving to the full House. He reviewed the proposed budget including the recommendation to transfer the Payments in Lieu of Taxes process to the Department of Treasury. The proposed cuts in the administration areas and mapping system were unexpected.

Kelli Sobel, Administrative Services Deputy, further reviewed the proposed budget and reviewed actions that would need to be taken in the event it passed. Legislative hearings on this budget will convene next week. Discussion ensued.

Acquisitions

Director Cool stated that based on Legislative comments, the DNR should not buy land when we are unable to pay local taxes on our land. He reported on two acquisitions delayed in April and stated that additional work is being done on the appraisals and comparisons for these properties. **Dave Freed, Land and Facilities Chief**, believes the appraisals are in the "ball park" for similar parcels. **George Burgoyne, Resource Management Deputy**, commented that he does not know how the DNR could move forward with these acquisitions considering the current tax payment and budget situations. **Director Cool** stated that he can justify the proposed purchase of property near the Oden Fish Hatchery because it is necessary for management of the hatchery resource.

Commissioner Wheatlake attended the Legislative Sportsman's Caucus where discussion was held relative to the timeliness of the land reviews by the DNR. He does not believe it is a good time to be purchasing high cost-per-acre properties at this time.

Chairman Charters believes that the public trust is at stake relative to the decision to not purchase prime properties for the public use. He believes that divestiture is not the best for the resource.

Commissioner Wheatlake believes a land inventory is important and provides an opportunity to develop information to take to the Legislature and to gain public support.

DIRECTOR'S ACTION

Director Cool intends to sign all Director's Action items on the agenda.

Contract of Director K. L. Cool

Chairman Charters stated that Director Cool has a contract that expires on May 31, 2004. Each May, the NRC conducts a review of the Director's Contract. He stated that, if the review were to be held his performance would be rated excellent. However, due to a new Administration, this review will not be conducted.

Commissioner Garner made a motion, supported by Commissioner Wheatlake, that Director K. L. Cool's contract not be extended.

Director Cool thanked the Commissioners and those Commissioners under whom he served as Director, for the opportunity to work in Michigan. He stated that Michigan is the best place he has worked. A great deal has been

accomplished together over the past seven years. He believes there will never be a better team of people (the NRC and the DNR Management Team) to move forward an agenda of extremely difficult issues, applying problem solving to result in good policy and good natural resources management. He feels fortunate to have had a contract that went beyond Governor John Engler's administration. He demanded that as a condition of employment. He did this to assure long-term commitments would be met. He thanked the NRC for what they have done for him. **Commissioner Wheatlake** applauded Director Cool's leadership and administrative skills.

Motion unanimously carried.

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Director Cool left the meeting to talk to a group of 200 teachers regarding the LAPs program.

Law Enforcement Recruitment Training

Sargeant Jane Gordon and Lieutenant Thomas Lennox, Law Enforcement Division, presented a video developed by the DNR which reviews the process of recruiting and training conservation officers. The NRC commended staff for this production.

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Commissioner Wheatlake left the meeting

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UPDATE ON BOVINE TUBERCULOSIS IN NEW ZEALAND

Dr. Graham Nugent, Landcare Research, New Zealand, presented an update on TB in New Zealand. Though they have made progress in reducing TB in livestock, it continues to spread. The spread of TB by wild animals poses the greatest threat to controlling TB in New Zealand with possums being the main TB host. They have found that killing possums stops transmission to deer. In the long-term, New Zealand hopes to vaccinate for disease prevention as well as control reproduction of various species of deer.

Natural Rivers

Dr. Kelley Smith, Fisheries Division Chief, reported that 12 public hearings are being held across the state to take comments on the proposed Natural Rivers Act designations of the Pine and Upper Manistee Rivers. Good attendance and participation has occurred at the meetings. May 8 is the final hearing which will

be held in Okemos. The major concern expressed by those who oppose the designations is DNR involvement. Comments received have been relatively even for and against. As a result of comments received, modifications may be made to the proposals. Discussion ensued relative to comments received. Many written comments have also been received with support for the designations of approximately 4:1. Dr. Smith noted that the Michigan Farm Bureau opposes the designations.

Chronic Wasting Disease

Dr. Steve Schmitt, DNR Veterinarian, presented an update on Chronic Wasting Disease (CWD). He reported that a blue ribbon committee was established in Wisconsin with representation from several states to review this issue. He reviewed transmission risks and discussed the effects of importing CWD infected carcasses into Michigan from out-of-state. One item to be addressed by the Committee is how to monitor and track when animals are shot outside Michigan and brought in to the State. Dr. Schmitt reported the Governor's CWD Task Force has not yet met. **Becky Humphries** noted that dialog is taking place relative to the risk of CWD entering Michigan.

Director's Action Items

George Burgoyne, Resource Management Deputy, noted that Director's Action Items 1. and 2. (Two Direct Oil and Gas Leases, Development, in Otsego County, and One Direct Oil and Gas Lease, Nondevelopment, in Otsego County) will be approved if after evaluating the public comment it is considered to be in the best interest of the State to approve the leases.

FOR INFORMATION ONLY – NRC ACTION IN JUNE

Becky Humphries reported that the proposed order on the Late Antlerless Season will be changed to include consideration of counties where the deer population is severely over goal and open the late season where needed. These changes will be made resulting from comments received and will be resubmitted for action at the June NRC meeting. **Ms. Humphries** reviewed the proposed trapping regulations. **Commissioner Campbell** recommended reviewing the size limitation on the colony trap and recommended increasing the size. Relative to the proposed rehabilitation order, **Commissioner Campbell** expressed concern with the portion of the order relative to relocation of subspecies in the same county.

**APPROVAL OF MINUTES – APRIL 10-11, 2003 NATURAL RESOURCES
COMMISSION MEETING**

Commissioner Eisele made a motion, supported by Commissioner Madigan, for approval. Motion unanimously carried.

**ELK HUNTING SEASON DATES AND MANAGEMENT UNITS, WILDLIFE
CONSERVATION ORDER, AMENDMENT NO. 3 OF 2003**

Commissioner Garner made a motion, supported by Commissioner Madigan, for approval. Motion unanimously carried.

**SQUIRREL SEASON DATES, WILDLIFE CONSERVATION ORDER,
AMENDMENT NO. 4 OF 2003**

Commissioner Eisele made a motion, supported by Commissioner Campbell, for approval of Option 2. Motion unanimously carried.

**DEER HUNTING REGULATIONS, WILDLIFE CONSERVATION ORDER,
AMENDMENT NO. 5 OF 2003**

Commissioner Garner made a motion, supported by Commissioner Madigan, for support. Motion unanimously carried. Commissioner Madigan expressed appreciation toward staff for the modification of the DMU in the Upper Peninsula.

**FALL WILD TURKEY MANAGEMENT UNITS, WILDLIFE CONSERVATION
ORDER, AMENDMENT NO. 6 OF 2003**

Commissioner Garner made a motion, supported by Commissioner Campbell, for approval. Motion unanimously carried.

**DECEMBER RUFFED GROUSE SEASON, WILDLIFE CONSERVATION
ORDER, AMENDMENT NO. 7 OF 2003**

Commissioner Garner made a motion, supported by Commissioner Madigan, for approval. Motion unanimously carried.

PAYMENTS IN LIEU OF TAXES (PILT)

Commissioner Eisele made a motion, supported by Commissioner Campbell, supporting the concept of transferring the PILT to the Department of Treasury if it is supported by the Administration. Motion unanimously carried.

COMMISSIONER'S REPORTS

Commissioner Eisele inquired about the DNR action to discontinue providing trash receptacles in day-use areas. **Lowen Schuett, Parks and Recreation Bureau, Acting Chief**, responded that this is a cost trimming move. This has been successful in the Muskegon State Park day use area where the "carry-in, carry-out" process has been implemented. The DNR saves on both trash disposal and staff costs. Under this proposal, 35 day-use areas in 35 State Parks will no longer have trash receptacles. This change will be posted on the website as well as notification to permit applicants. **Commissioner Eisele** expressed concern with the impact of this change.

Commissioner Garner received calls regarding the Natural Rivers designation; held DNR related meetings in the UP; and addressed other DNR issues via phone and mail.

NRC POLICY COMMITTEE ON WILDLIFE ISSUES REPORT

Commissioner Garner reported that the NRC Policy Committee on Wildlife Issues met on May 8, 2003 at 1:30 p.m. at the Radisson Hotel, Lansing. Commissioner Garner and Commissioner Campbell were present for the Committee. Topics of discussion included: Proposed Wildlife Regulation Changes; Report of the 2002 Deer Harvest; Elk License Allocation Proposals; Woodcock Study Update; and Chronic Wasting Disease Update.

NRC POLICY COMMITTEE ON TECHNOLOGY, INFORMATION, MARKETING AND EDUCATION (TIME) REPORT

Commissioner Garner reported that the NRC Policy Committee on TIME met on May 8, 2003 at 12:30 p.m. at the Radisson Hotel, Lansing. **Commissioners Garner and Campbell** were present for the Committee. Topics of discussion included: Licenses and the Deer Harvest Survey System.

Commissioner Madigan attended several DNR related meetings. He noted that a subcommittee of the UP Habitat Committee was established to address issues with the National Forest Service. Commissioner Madigan will chair that subcommittee.

Commissioner Campbell received several phone calls and letters related to DNR issues, primarily on Natural Rivers Act designations; attended the Legislative Sportsman's Caucus; and requested that issues be resolved at the Otter Creek Access Site.

Chairman Charters received several communications relative to the Natural Rivers Act.

APPOINTMENTS

Upper Peninsula Wildlife Habitat Subcommittee

Chairman Charters appointed **Commissioner Madigan** to Chair the UP Wildlife Habitat Subcommittee. All other Commissioners will serve as ad hoc members.

NRC Policy Committee on TIME

Chairman Charters appointed **Commissioner Campbell** to chair the NRC Policy Committee on Technology, Information, Marketing and Education. Commissioner Garner will now be a member of that Committee with Chairman Charters as the alternate.

Commissioner Madigan commended Commissioner Garner's efforts on the UP Habitat Subcommittee and is pleased to Chair that Subcommittee. Commissioner Garner stated that the Subcommittee needs to maintain its focus on habitat and reflect that the NRC values habitat as a high priority.

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The meeting adjourned at 12:00 noon.